
**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

IHC HEALTH SERVICES, INC., a non-profit
Utah corporation,

Plaintiff,

vs.

ELAP SERVICES, LLC, a limited-liability
company,

Defendant.

**ORDER GRANTING IN PART ELAP'S
SHORT FORM DISCOVERY MOTION
CONCERNING IHC'S REFUSAL TO
PRODUCE CLAIMS INFORMATION
(DOC. NO. 134)**

Civil No. 2:17-cv-01245-JNP-DAO

Judge Jill N. Parrish

Magistrate Judge Daphne A. Oberg

Before the Court is Defendant ELAP's Short Form Discovery Motion Concerning IHC's Refusal to Produce Claims Information Responsive to Interrogatories 3-5 and RFPs 2-5, 42, 49, 51, 60, 65, 67, and 71 (Doc. No. 134). Having considered the briefing and arguments of counsel at the May 19, 2020 hearing, the Court GRANTS IN PART ELAP's Motion as follows:

1. The Court ORDERS IHC to produce documents responsive to ELAP's discovery requests for patients who have not revoked HIPAA waivers, including the following requested documents: (1) executed patient agreements; (2) itemized bills; (3) billing and account records; (4) proof-of-coverage coverage cards; and (5) notices of adverse benefit determination. Prior to the close of fact discovery, IHC shall produce documents for the 71% of patients for whom it has already collected responsive documents along with any further responsive documents for additional patients that it can collect and produce.

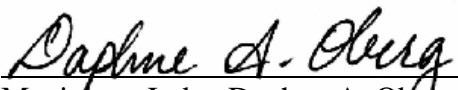
2. The Court ORDERS the parties to submit cross-briefs regarding the Court's authority to order production of information related to patients who have revoked HIPAA waivers and for which physician-patient privilege and/or HIPAA protection is asserted. The

cross-briefs shall be filed within ten (10) days of the May 19 hearing. No responses shall be filed unless ordered by the Court. The cross-briefs should be limited to fifteen (15) pages each.

3. The Court declines to award IHC attorneys' fees as requested in its Opposition for the reasons stated on the record at the hearing. However, the Court reminds the parties that they must meet and confer on specific discovery issues prior to filing short form discovery motions on those issues.

DATED this 21st day of May, 2020.

BY THE COURT:


Magistrate Judge Daphne A. Oberg